



2. On September 9, 2024, this Court ordered Yan to either file a Second Amended Complaint that does not allege a violation of the solely as relator for another non-intervening party, or obtain a licensed and qualified attorney to pursue actions under the False Claims Act on or before October 10, 2024.

### III. Brief in Support of Motion for Reconsideration

3. Yan agreed with this Court that a pro se litigant cannot act solely as a relator for another non-intervening party in a False Claims Act claim.

4. However, Yan's case is premised on a distinguishable ground at this moment.

5. SCOTUS stated, "the relator is no ordinary civil plaintiff, he is immediately subject to special restrictions. ... The Government then has 60 days (often extended for "good cause") to decide whether to "intervene and proceed with the action." §§3730(b)(2)-(3). If the Government, during that so-called seal period, elects to intervene, the relator loses control: The action then "shall be conducted by the Government," though the relator can continue as a party in a *secondary role*. §§3730(b)(4)(A), (c)(1). **Only if** the Government **passes** on intervention does the relator "have the right to conduct the action." §3730(b)(4)(B)." *United States v. Exec. Health Res.*, No. 21-1052, 7 (U.S. Jun. 16, 2023). (emphasis added).

6. In the James Brooks case, *United States ex rel. Brooks v. Ormsby*, 869 F.3d 356 (5th Cir. 2017), Brooks was also pro se. He did not serve the government, and later, when the government discovered the case on its own, they chose not to intervene, which made Brooks the primary party responsible for conducting the action. He continued pro se, despite the court's instruction to hire an attorney. Yan did not.

7. Yan timely served the government on July 10; however, due to a USPS delay, the letter did not reach the government until July 19. [ECF. No. 5] SCOTUS's controlling precedent states that when the

government has not decided on intervention, Yan *has no right to pursue any action* at this time. would be a waste of Yan's money if he hires someone and later loses control of the case.

8. This Court's order [ECF. No. 7] is premature at this moment.

9. Yan requests this Court withhold or withdraw this order until government responded. Yan does not have to hire a counsel if he ends up as a secondary role.

### **V. Prayer for Relief**

1. Based on the foregoing, Plaintiff prays for granting the following relief:

A. Withhold, amend or revoke the Order, ECF No. 7, issued on September 9<sup>th</sup>, 2024, pursuant to FRCP 59(e).

Respectfully submitted,

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/s/ Conghua Yan

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### **CERTIFICATE OF SERVICE**

On (September 12, 2024) I, Conghua Yan, hereby certify that I have served the forgoing document on all counsels and/or pro se parties of record in a manner authorized by Federal Rule of Civil Procedure 5(b)(2).

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/s/ Conghua Yan

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